



TRADEMARK  
11902-5

*Spruell*  
*2-27-98*  
*# 16*  
*Petition*  
*w/R.312*  
*Arndt*  
*Sub-Spec*  
*w/att.*  
*& new*  
*Drawings*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Group Art Unit: 3307  
)  
LEE M. MIDDLEMAN ET AL. ) Examiner: J. HILTEN  
)  
Serial No.: 08/398,629 )  
)  
Filed: March 3, 1995 )  
)  
For: **DEVICE OR APPARATUS FOR** )  
**MANIPULATING MATTER** ) Pasadena, California

**COMBINED PETITION AND AMENDMENT AFTER NOTICE OF ALLOWANCE,**  
**UNDER 37 C.F.R. §1.132(b)**

Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §1.132(b), this is a petition to accept an amendment to the drawings and specification after notice of allowance of the above-identified patent application. Enclosed <sup>*[recorded on transmittal sheet]*</sup> herewith is the petition fee in the amount of \$130.00, pursuant to 37 C.F.R. §1.17(I).

This amendment to the drawings is submitted in response to the Notice of Drawing Requirements, dated November 24, 1997, paper number 14, a copy of which is enclosed herewith. The objections to the drawings set forth in the November 24, 1997 Notice of Drawing Requirements were not previously set forth in the Form PTO 948 dated April 6, 1995. Moreover, the draftsman indicated in the November 24, 1997 Notice that he inadvertently missed objecting to the figure

numbering in this prior Form PTO 948. Thus, by no fault of the Applicants, and only after Applicants had already paid the issue fee, did the draftsman object to the drawings previously submitted to the PTO as informal on the basis that the figures were not numbered correctly.

In response to the draftsman's Notice, Applicants submit herewith eighty-three (83) sheets of corrected substitute formal drawings to replace the same sheets previously submitted to the PTO. The figure numbers of the drawings have been revised in accordance with the draftsman's requirements in the Notice of Draftperson's Patent Drawing Review, that is, the numbering system has been revised so that they are in accordance with 37 C.F.R. §1.84(u) in that all of the figures are numbered consecutively and in Arabic numerals, i.e. 1, 2, 3, 4, etc.

In addition, Applicants submit herewith a new substitute specification to replace the substitute specification previously filed in the subject application. The substitute specification has been revised to reflect and correspond to the revisions made to the figure numbers in the drawings. Pursuant to the Examiner's request, enclosed herewith are both, (1) a copy of the substitute specification previously filed with revisions indicated in red ink, and (2) a re-typed substitute specification with the revisions incorporated into the text of the specification.

No new matter has been added as a result of the amendment to the drawings and specification.

In view of the corrected drawings and substitute specification submitted herewith, Applicants respectfully requests that the subject application proceed to issuance.

TRADEMARK  
11902-5

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 19-2090.

Respectfully submitted,

SHELDON & MAK

Date: December 22, 1997

By: Karin E. Peterka  
Karin E. Peterka  
Reg. No. 35,976

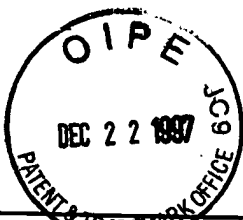
SHELDON & MAK  
225 South Lake Avenue, Suite 900  
Pasadena, California 91101  
Tel.: (626) 796-4000  
Fax: (626) 795-6321

EXPRESS MAIL mailing label no. EM589053178US

Date of Deposit December 22, 1997

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Box DAC, Assistant Commissioner For Patents, Washington, D.C. 20231.

Laura Martinez  
LAURA MARTINEZ



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|               |             |                       |                     |
|---------------|-------------|-----------------------|---------------------|
| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 08/398,629    | 03/03/95    | MIDDLEMAN             | L P7025.06CIPS      |

DANIEL W. LATHAM  
MEDTRONIC, INC.  
7000 CENTRAL AVENUE, N.E.  
MINNEAPOLIS MN 55432

4102/1124

|           |              |
|-----------|--------------|
| EXAMINER  |              |
| HILTEN, J |              |
| ART UNIT  | PAPER NUMBER |
| 3307      | 14           |

DATE MAILED: 11/24/97

**NOTICE OF DRAWING REQUIREMENTS**

☒ Corrected/substituted drawings for the above-identified application, received in the PTO on 3-3-95, are still considered informal for the reason(s) identified on the attached Form PTO-948.

☐ Applicant has the time remaining in the response period set in the Notice of Allowability or Notice of Drawing Requirements mailed \_\_\_\_\_ to overcome the objections raised in the attached Form PTO-948. This response period may be extended under the provisions of 37 CFR 1.136 (a) by filing the appropriate request and fee before the end of the six month statutory period for response.

☐ The PTO delayed in reviewing the corrected drawings. Applicant is given ONE month time limit from the date of this letter to provide corrected drawings. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) or (b). See MPEP 714.03. However, the response period set in the Notice of Allowability or Notice of Drawing Requirements mailed \_\_\_\_\_ may be extended under the provisions of 37 CFR 1.136(a) by filing the appropriate request and fee before the end of the six month statutory period for response.

☒ The PTO delayed in reviewing the corrected drawings. Applicant is given ONE month time limit from the date of this letter to provide corrected drawings. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) or (b). See MPEP 714.03

**RECEIVED**

DEC 01 1997

**LAW DEPARTMENT  
MEDTRONIC, INC.**

☒ ATTACHMENT: PTO-948

CRW  
PATENT AND TRADEMARK OFFICE

10-30-97  
DATE

NOTICE OF DRAFTPERSON'S  
PATENT DRAWING REVIEWThe drawing filed (insert date) 3-3-95 are:A.        not objected to by the Draftperson under 37 CFR 1.84 or 1.152.B.        objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings where necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:  
Black ink. Color.       Color drawing are not acceptable until petition is granted.Fig(s)              Pencil and non black ink is not permitted. Fig(s)       

## 2. PHOTOGRAPHS. 37 CFR 1.84(b)

       Photographs are not acceptable until petition is granted,       3 full-tone sets are required. Fig(s)              Photographs not properly mounted (must bristol board or photographic double-weight paper). Fig(s)              Poor quality (half-tone). Fig(s)       

## 3. TYPE OF PAPER. 37 CFR 1.84(e)

       Paper not flexible, strong, white and durable.Fig(s)              Erasures, alterations, overwritings, interlineations, folds, copy machine marks not acceptable. (too thin)       Mylar, vellum paper is not acceptable (too thin).Fig(s)       

## 4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

       21.0 cm by 29.7 cm (DIN size A4)       21.6 cm by 27.9 cm (8 1/2 x 11 inches)       All drawings sheets not the same size.Sheet(s)       

## 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 SizeTop 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: 8 1/2 x 11       Margins not acceptable. Fig(s)              Top (T)        Left (L)       Right (R)        Bottom (B)

## 6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

       Views connected by projection lines or lead lines.Fig(s)       

Partial views. 37 CFR 1.84(h)(2)

       Brackets needed to show figure as one entity.Fig(s)              Views not labeled separately or properly.Fig(s)              Enlarged view not labeled separately or properly.Fig(s)       

## 7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

       Hatching not indicated for sectional portions of an object.Fig(s)              Sectional designation should be noted with Arabic orRoman numbers. Fig(s)       

## 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

       Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned, so that the top becomes the right side, except for graphs. Fig(s)              Views not on the same plane on drawing sheet. Fig(s)       

## 9. SCALE. 37 CFR 1.84(k)

       Scale not large enough to show mechanism with crowding when drawing is reduced in size to two-thirds in reproduction.Fig(s)       

## 10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS. 37 CFR 1.84(l)

       Lines, numbers & letters not uniformly thick and well defined, clean, durable and black (poor line quality).Fig(s)       

## 11. SHADING. 37 CFR 1.84(m)

       Solid black areas pale. Fig(s)              Solid black shading not permitted. Fig(s)              Shade lines, pale, rough and blurred. Fig(s)       

## 12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.

37 CFR 1.48(p)

       Numbers and reference characters not plain and legible.Fig(s)              Figure legends are poor. Fig(s)              Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(3) Fig(s)              English alphabet not used. 37 CFR 1.84(p)(3) Fig(s)              Numbers, letters and reference characters must be at least.32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig(s)       

## 13. LEAD LINES. 37 CFR 1.84(q)

       Lead lines cross each other. Fig(s)              Lead lines missing. Fig(s)       

## 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.48(t)

       Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig(s)       

## 15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

       Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)       

## 16. CORRECTIONS. 37 CFR 1.84(w)

       Corrections not made from PTO-948 dated       

## 17. DESIGN DRAWINGS. 37 CFR 1.152

       Surface shading shown not appropriate. Fig(s)              Solid black shading not used for color contrast.Fig(s)       

## COMMENTS

ALL FIGURES MUST BE NUMBERED PROPERLY  
SEE 37 CFR 1.84(h)  
FIGURE 1.84(h)(2) MISSING FIG 1-1A-  
1-7D

REVIEWER       DATE 12-31-97TELEPHONE NO.       ATTACHMENT TO PAPER NO.       

APPLICANT'S COPY